

# CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

|   |  |  |                   |
|---|--|--|-------------------|
| 1. RESPONSE NEEDED DUE TO:  |  | 5. DATE OF REQUEST:  | NEED RESPONSE BY: |
| <input checked="" type="checkbox"/> Policy/Regulation Interpretation<br><input type="checkbox"/> QC<br><input type="checkbox"/> Fair Hearing<br><input type="checkbox"/> Other: |  | May 29, 2012   | June 4, 2012      |
| 2. REQUESTOR NAME:  |  | 6. COUNTY/ORGANIZATION:  |                   |
| 3. PHONE NO.:   |  | Trinity  |                   |
| 4. REGULATION CITE(S):<br>63-402.3 & ACL 89-08  |  | 7. SUBJECT:<br>Children receiving Foster Care funding in food stamps   |                   |
|   |  | 8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)<br>NOTE: All requests must have a regulation cite(s) and/or a reference(s).<br>63-402.3<br>ACL 89-08<br>ACL 99-97 |                   |

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The regulations instruct county to treat foster care children as boarder's and allow the household the option to either include them as a member or not. Please clarify what constitutes a child as being a foster care child. For example, the county can pay foster care funds only to a non-relative who has legal guardianship of a child. This child was never a "dependent" of the child welfare system and was not placed with this person through a CWS court order so essentially the child is not a "foster care" child but is receiving foster care funding. CWS does get involved only to the extent that they complete an initial home assessment and continue to meet with the child every six months.

The question: Do children who receive foster care funds but are not, by definition, in "foster care" considered a foster care child within the regulation 63-402.3 & ACL 89-08?

10. REQUESTOR'S PROPOSED ANSWER:

My interpretation of the regulation is that any child receiving foster care funding can be considered a boarder, not just children who were placed in the home via a dependency court order.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based on the information listed in the above scenario the state agrees that for CalFresh purposes boarders are defined as either foster children as specified in Section 63-402.322, or individuals or groups of individuals residing with the household and paying reasonable compensation to the household for lodging meals, excluding residents of a commercial boarding house.

Foster care boarders may participate in the CalFresh program as members of the household providing boarder services, at the household request. If the household chooses this option, foster care payments received by the household shall be considered unearned income to the household and counted in their entirety in determining the household's income eligibility and benefit level as specified in Section 63-402.322(b).

## FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ: